

House Study Bill 133

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON MASCHER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to absentee voting by providing for ongoing
2 absentee voter status and by requiring the counting of
3 absentee ballots to begin the day before the general election.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1172HC 83
6 sc/nh/8

PAG LIN

1 1 Section 1. NEW SECTION. 53.4 ONGOING ABSENTEE VOTER.
1 2 A registered voter applying for an absentee ballot under
1 3 section 53.2 may request to receive an absentee ballot for all
1 4 subsequent elections or for each subsequent general election
1 5 in which that person is eligible to vote and qualifies under
1 6 section 53.1. The state commissioner shall provide check
1 7 boxes on the prescribed form for this purpose. For all
1 8 subsequent elections or for each subsequent general election,
1 9 the county commissioner of elections shall automatically mail
1 10 an absentee ballot to the requesting voter, or automatically
1 11 deliver an absentee ballot if the requester is a confined
1 12 person pursuant to section 53.22. A voter's status as an
1 13 ongoing absentee voter shall be terminated upon the request of
1 14 the voter or by the county commissioner if the voter fails to
1 15 qualify under section 53.1 or if the voter fails to vote in a
1 16 subsequent general election.
1 17 Sec. 2. Section 53.23, subsections 3 and 4, Code 2009, are
1 18 amended to read as follows:
1 19 3. a. The commissioner shall set the convening time for
1 20 the board, allowing a reasonable amount of time to complete
1 21 counting all absentee ballots by 10:00 p.m. on election day.
1 22 b. (1) The commissioner may direct the board to meet on
1 23 the day before the election ~~solely~~ for the purpose of
1 24 reviewing the absentee voters' affidavits appearing on the
1 25 sealed affidavit envelopes. If in the commissioner's judgment
1 26 this procedure is necessary due to the number of absentee
1 27 ballots received, the members of the board may open the sealed
1 28 affidavit envelopes and remove the secrecy envelope containing
1 29 the ballot, but under no circumstances shall a secrecy
1 30 envelope be opened before the board convenes on election day.
1 31 except as provided in paragraph "c". If the affidavit
1 32 envelopes are opened before election day pursuant to this
1 33 paragraph "b", two observers, one appointed by each of the two
1 34 political parties referred to in section 49.13, subsection 2,
1 35 shall witness the proceedings. The observers shall be
2 1 appointed by the county chairperson or, if the county
2 2 chairperson fails to make an appointment, by the state
2 3 chairperson. However, if either or both political parties
2 4 fail to appoint an observer, the commissioner may continue
2 5 with the proceedings.
2 6 ~~b. (2)~~ If the board finds any ballot not enclosed in a
2 7 secrecy envelope and the ballot is folded in such a way that
2 8 any of the votes cast on the ballot are visible, the two
2 9 special precinct election officials, one from each of the two
2 10 political parties referred to in section 49.13, subsection 2,
2 11 shall place the ballot in a secrecy envelope. No one shall
2 12 examine the ballot, except as provided in paragraph "c".
2 13 c. For the general election, the commissioner shall
2 14 convene the special precinct election board on the day before
2 15 the election to begin counting absentee ballots. The board
2 16 shall not release the results of its tabulation pursuant to
2 17 this paragraph until the count is completed on election day.

2 18 4. The room where members of the special precinct election
2 19 board are engaged in counting absentee ballots on the day
2 20 before the election pursuant to subsection 3, paragraph "c",
2 21 or during the hours the polls are open shall be policed so as
2 22 to prevent any person other than those whose presence is
2 23 authorized by this subsection from obtaining information about
2 24 the progress of the count. The only persons who may be
2 25 admitted to that room are the members of the board, one
2 26 challenger representing each political party, one observer
2 27 representing any nonparty political organization or any
2 28 candidate nominated by petition pursuant to chapter 45 or any
2 29 other nonpartisan candidate in a city or school election
2 30 appearing on the ballot of the election in progress, one
2 31 observer representing persons supporting a public measure
2 32 appearing on the ballot and one observer representing persons
2 33 opposed to such measure, and the commissioner or the
2 34 commissioner's designee. It shall be unlawful for any of
2 35 these persons to communicate or attempt to communicate,
3 1 directly or indirectly, information regarding the progress of
3 2 the count at any time while the board is convened pursuant to
3 3 subsection 3, paragraph "c", or at any time before the polls
3 4 are closed.

3 5 EXPLANATION

3 6 This bill makes changes relating to absentee voting.
3 7 The bill allows an absentee voter to receive absentee
3 8 ballots for all subsequent general elections without having to
3 9 reapply before each election. A person's status as an ongoing
3 10 absentee voter can be terminated by that person, by the county
3 11 commissioner of elections if the person fails to qualify as an
3 12 absentee voter, or if the voter fails to vote in a subsequent
3 13 general election.
3 14 The bill requires the county commissioner of elections to
3 15 convene the special precinct election board on the day before
3 16 the general election to begin counting absentee ballots.
3 17 LSB 1172HC 83
3 18 sc/nh/8